

REMARKS

Claims 10, 13, 20, 21, 24 and 26 have been amended to improve form and new claim 33 has been added. Claims 1-33 are now pending in this application.

Claims 1-4, 10, 14-17 and 21-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Steel, Jr. (U.S. Patent Application Publication No. 2004/0111268; hereinafter Steel '268).

Initially, the applicants note that the present application and Steel '268 were both filed on November 4, 2003. Steel '268 claims the benefit of Provisional application number 60/424,164 (hereinafter Steel '164) filed on November 6, 2002. Based on the filing date of the present application and Steel '268, only the information that is contained in Steel '164 (i.e., the Provisional application filed prior to the filing date of the present application) qualifies as prior art with respect to the present application.

Therefore, any disclosure in Steel '268 that is not contained in Steel '164 may not be relied upon to reject the claims of the present application. Therefore, the discussion below does not address the veracity of the statements made with respect to Steel '268 since Steel '268 is not prior art with respect to subject matter not included in Steel '164.

Returning to the Office Action, claim 1 recites a method for providing communication services that includes establishing, by the communication assistant, a communication link to the hearing-impaired party using an instant messaging program. The Office Action states that Steel '268 discloses this feature and points to paragraphs 40, 41 and 47 for support (Office Action – page 2). Steel '268, as discussed above, may not be relied upon in the rejection for subject matter that is not included in Steel '164.

Steel '164 discloses that Internet access capability can be added to a telecommunications relay service (TRS) center (Steel '164 at page 3). Steel '164 discloses that when a communication assistant (CA) receives a call via a PBX, the CA logs into a TRS packet server (Steel '164 at page 3). Presumably, the CA may then communicate with the customer via the customer's Internet terminal (Steel '164, Fig. 4). Steel '164 further discloses that special software may be needed on the customer's Internet terminal (Steel '164, page 4, Section 4.0).

Steel '164, however, does not disclose that the CA establishes a communication link to the hearing-impaired party using an instant messaging program, as required by claim 1. In contrast, Steel '164 merely discloses that the CA may establish communications with a customer's terminal via the Internet. Many forms of Internet-based communications exist and the mere fact that the CA establishes communications with a customer's terminal via the Internet cannot be fairly construed to disclose or suggest that a communication link is established via an instant messaging program, as required by claim 1.

Claim 1 further recites generating instant messages, by the communication assistant, the instant messages corresponding to the voice messages, and transmitting the instant messages to the hearing-impaired party. The Office Action states that Steel '268 discloses this feature and points to paragraphs 47 and 62 for support (Office Action – page 2).

Similar to the discussion above, Steel '268 is not prior art with respect to the present application. Further, Steel '164 does not disclose or suggest generating instant

messages corresponding to voice messages received from a hearing party and transmitting the instant messages to a hearing-impaired party, as required by claim 1.

For at least these reasons, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-4 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable. In addition, these claims recite additional features not disclosed or suggested by Steel '164.

For example, claim 2 recites receiving, by the communication assistant, instant messages from the hearing-impaired party, and transmitting, by the communication assistant, voice messages to the hearing party, the voice messages corresponding to the received instant messages.

Steel '164, as discussed above, does not disclose or suggest the use of instant messages. Therefore, Steel '164 cannot further disclose or suggest receiving, by the CA, instant messages or transmitting, by the CA, voice messages corresponding to the received instant messages, as required by claim 2.

For at least these additional reasons, withdrawal of the rejection and allowance of claim 2 are respectfully requested.

Claim 3 recites that the request from the hearing-impaired party is received via a packet-switched network from a device executing an instant messaging program. Steel '164, as discussed above, does not disclose or suggest that a request for establishing a communication link with a hearing party is received from a device executing an instant messaging program.

For at least this additional reason, withdrawal of the rejection and allowance of claim 3 are respectfully requested.

Claims 10 and 21, as amended, recites features similar to claim 1. For reasons similar to those discussed above with respect to claim 1, withdrawal of the rejection and allowance of claims 10 and 21 are respectfully requested.

Claims 14-17 are dependent on claim 10 and claims 22 and 23 are dependent on claim 21. These claims are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggested by the cited art.

For example, claims 14-16, 22 and 23 recite additional features associated with receiving and transmitting instant messages that are similar to features in claims 1-3. For reasons similar to those discussed above with respect to claims 1-3, withdrawal of the rejection and allowance of claims 14-16, 22 and 23 are respectfully requested.

Claims 5 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel '268. The rejection is respectfully traversed.

As to claims 5 and 11, the Office Action states that Steel '268 discloses providing the hearing-impaired party with an interface window and points to paragraphs 47 and 54 of Steel '268 for support (Office Action – page 3). Similar to the discussion above with respect to claim 1, Steel '268 is not prior art with respect to the present application for information that is not included in Steel '164. As discussed above, Steel '164 merely discloses that a customer's Internet terminal may communicate with a CA via the Internet. Steel '164, however, does not disclose or suggest transmitting an interface

screen to the hearing-impaired party that includes a telephone number input area, as required by claims 5 and 11.

For at least these additional reasons, withdrawal of the rejection and allowance of claims 5 and 11 are respectfully requested.

Claims 6, 7, 12, 13 and 27-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel '268 in view of Kay et al. (U.S. Patent No. 6,430,602; hereinafter Kay). The rejection is respectfully traversed.

As to claims 6 and 12, the Office Action admits that Steel '268 does not disclose transmitting an interface screen to the hearing-impaired party that allows the hearing-impaired party to select an instant messaging program with which to communicate with a communication assistant (Office Action – page 4). The Office Action, however, states that it is old and well known in the art that various instant messaging programs exist and points to Kay at col. 1, lines 43-58 for support (Office Action – page 4). The Office Action further states that it would have been obvious to modify Steel '268 to include an interface screen that includes an area for allowing the hearing-impaired party to select the correct instant messaging program to communicate with the communication assistant (Office Action – page 4). The applicants respectfully disagree.

First, Steel '164 does not disclose or suggest the use of any instant messaging program by the CA or the hearing-impaired party. Therefore, the mere fact that a number of different instant messaging programs exist, as disclosed by Kay, provides no suggestion or motivation for providing an interface screen to the customer's Internet terminal in Steel '164 to allow the hearing-impaired party to select a particular instant

messaging program with which to communicate with a communication assistant, as required by claims 6 and 12.

In addition, even if, for the sake of argument, Steel '164 could be fairly construed to suggest the use of an instant messaging program, the combination of Steel '164 and Kay cannot be fairly construed to disclose transmitting an interface screen to the hearing-impaired party that allows the hearing-impaired party to select an instant messaging program with which to communicate with the communication assistant. That is, Kay merely discloses that a number of different instant messaging programs exist. This is not equivalent to and does not suggest transmitting the interface screen recited in claims 6 and 12.

For at least these reasons, the combination of Steel '164 and Kay does not disclose or suggest each of the features of claims 6 and 12. Accordingly, withdrawal of the rejection and allowance of claims 6 and 12 are respectfully requested.

Claim 27 recites means for transmitting an interface screen to the hearing-impaired party in response to the request, the interface screen including an input area for allowing the hearing-impaired party to input a telephone number for the hearing party and a selection area for allowing the hearing-impaired party to select a text messaging program with which to communicate.

Similar to the discussion above with respect to claims 5 and 11, Steel '164 does not disclose or suggest transmitting an interface screen that includes an input area for allowing the hearing-impaired party to input a telephone number for the hearing party. Kay also does not disclose or suggest this feature.

In addition, similar to the discussion above with respect to claims 6 and 12, the combination of Steel '164 and Kay does not disclose transmitting an interface screen that includes a selection area for allowing the hearing-impaired party to select a text messaging program with which to communicate.

For at least these reasons, the combination of Steel '164 and Kay does not disclose or suggest each of the features of claim 27. Accordingly, withdrawal of the rejection and allowance of claim 27 are respectfully requested.

Claim 30 recites transmitting an interface screen to the hearing-impaired party in response to the request, the interface screen including a selection area for allowing the hearing-impaired party to select a text messaging program with which to communicate with a communication assistant.

Similar to the discussion above with respect to claims 6 and 12, the combination of Steel '164 and Kay does disclose or suggest these features of claim 30. Accordingly, withdrawal of the rejection and allowance of claim 30 are respectfully requested.

Claims 7, 13, 28, 29, 31 and 32 variously depend on claims 6, 12, 27 and 30 and are believed to be allowable for at least the reasons claims 6, 12, 27 and 30 are allowable. In addition, these claims recite additional features not disclosed or suggested by the cited art.

For example, claim 31 recites communicating with the hearing-impaired party via instant messages. Similar to the discussion above with respect to claim 1, Steel '164 does not disclose this feature. Kay also does not remedy the deficiencies in Steel '164 with respect to claim 31. For at least these additional reasons, withdrawal of the rejection and allowance of claim 31 are respectfully requested.

Claims 8, 9, 18-20, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel '164 in view of Hamilton (U.S. Patent No. 6,801,613). The rejection is respectfully traversed.

Claims 8, 9, 18-20, 25 and 26 variously depend on claims 1, 10 and 21 and are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggest by the combination of Steel '164 and Hamilton.

For example, claim 9 recites establishing a conference call between the hearing-impaired party, the communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol. Claim 19 recites a similar feature.

The Office Action (with respect to claim 8) admits that Steel '268 does not disclose using a voice over Internet Protocol (VoIP) link, but states that it is old and well known to use a VoIP link as an alternative to using the PSTN and points to Hamilton at col. 20, lines 36-58 for support (Office Action – page 5).

Hamilton may disclose that VoIP is an alternative to the PSTN. Hamilton, however, is directed to techniques for associating a call appearance with data associated with the call (Hamilton – Abstract). Hamilton, therefore, is totally unrelated to the environment of Steel '164. The mere fact that Hamilton at col. 20, lines 36-58 discloses that VoIP provides costs advantages over the PSTN, does not provide objective motivation as to why it would have been obvious to modify Steel '164 to include features from Hamilton due to the disparate nature of these references.

Further, even if, for the sake of argument, it would have been obvious to modify Steel '164 to include a VoIP connection, claim 9 recites establishing a conference call

between the hearing-impaired party, the communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol. The Office Action states that the call (apparently in Steel '268) is a conference call (Office Action – page 5).

Steel '164 discloses that a CA and a customer may communicate via the Internet (Steel '164, Figs. 4 and 5). Steel '164 does not disclose or suggest establishing a conference call between the hearing-impaired party, the CA and the hearing party, as required by claim 9.

For at least these additional reasons, the combination of Steel '164 and Hamilton does not disclose or suggest each of the features of claims 9 and 19. Accordingly, withdrawal of the rejection and allowance of claims 9 and 19 are respectfully requested.

Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Steel '268 in view of Duffin (U.S. Patent No. 5,991,723). The rejection is respectfully traversed.

Claim 24 is dependent on claim 21 and is believed to be allowable for at least the reasons claim 21 is allowable. Duffin does not remedy the deficiencies in Steel '164 discussed above with respect to claim 21. In addition, claim 24 is believed to be allowable for additional reasons.

For example, the Office Action admits that Steel '268 does not disclose automatically generating text messages corresponding to voice messages, but states that it is old and well known to provide a processor that automatically generates voice messages and points to Figs. 1 and 2 of Duffin, along with the abstract, col. 1, lines 5-63 and col. 4, lines 50-60 for support (Office Action – page 6). The Office Action further states that it would have been obvious to modify Steel '268 to include such a feature “to overcome the

disadvantages such as limited number of operators (communication assistants), operators being under utilized, added expense, lacks privacy, etc.” (Office Action – page 6). The applicants respectfully disagree.

Initially, the applicants note that claim 24, as amended, recites that the instructions cause the processor to automatically generate instant messages corresponding to the voice messages, transmit the instant messages to the hearing-impaired party, receive instant messages from the hearing-impaired party, and automatically generate voice messages corresponding to the received instant messages. As discussed above with respect to claim 1, Steel ‘164 does not disclose or suggest the use of instant messages. Duffin also does not disclose or suggest the use of instant messages.

For example, Duffin discloses communicating between a conventional text phone 10 and a standard telephone using speech recognition and text-to-speech conversion (Duffin – col. 2, lines 10-59 and Fig. 1). Duffin, however, does not disclose or suggest automatically generating instant messages corresponding to voice messages, transmitting the instant messages to the hearing-impaired party, receiving instant messages from the hearing-impaired party, and automatically generating voice messages corresponding to the received instant messages, as required by amended claim 24.

In addition, the alleged motivation for combining features from Duffin with Steel ‘168 is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103.

For at least these reasons, withdrawal of the rejection and allowance of claim 24 are respectfully requested.

NEW CLAIM

New claim 33 has been added. Claim 33 is dependent on claim 30 and is believed to be allowable over the cited art for at least the reasons claim 30 is allowable. In addition, claim 33 recites that the request from the hearing-impaired party is received via a wireless telephone or a personal digital assistant and the interface screen is transmitted to the wireless telephone or the personal digital assistant. None of the cited art discloses or suggests this feature. Accordingly, allowance of claim 33 is respectfully requested.

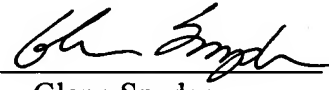
CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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